



Dave Heineman
Governor

NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

(Nebraska Crime Commission)

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NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

August 17, 2012

The Nebraska Commission on Law Enforcement and Criminal Justice met Friday, August 17, 2012 at 9:30 AM in Lower Level Conference Room B of the Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. Legal notice of the meeting was published August 3, 2012 in the Lincoln Journal Star.

As amended by LB 898, 2005 Legislature, a copy of the Nebraska Open Meetings Act was available for public review.

I. CALL TO ORDER

The meeting was called to order at 9:32 AM by Acting Chairman John Freudenberg. The following members were **in attendance**: Acting Chair John Freudenberg, Candice Batton, Jeff Davis, Joe Kelly, Robert Lausten, Fred Ruiz, David Sankey, Rita Sanders, Brenda Smith, Mike Swain, Derek Vaughn and William White. **Members excused**: Robert Houston and Don Overman. **Staff present**: Michael Behm, Merry Wills, Bruce Ayers, David Stolz, Emily Gilmore, Teddy Pika, Chris Harris, Lisa Stamm and Ann Bauers. **Others Present**: Toni Jensen, Probation Administration and Jeff Lux, Douglas County.

II. APPROVAL OF MINUTES

Motion

A motion was made by Smith and seconded by Sanders to approve the minutes of the Crime Commission meeting of July 20, 2012. The motion passed unanimously by acclimation.

III. OLD BUSINESS

A. 2012 Crime Stoppers in the amount of \$13,457

Bruce Ayers gave a brief overview of the Crime Stoppers Award and what it is used for. Freudenberg asked if this was an annual award and if the amount stayed about the same. Ayers answered in the affirmative.

Motion

A motion was made by Sanders and seconded by Lausten to approve the 2012 Crime Stoppers award in the amount of \$13,457 as presented by Ayers. Voting in favor of the motion: Batton, Davis, Kelly, Lausten, Ruiz, Sankey, Sanders, Smith, Swain, Vaughn and White. Motion carried unanimously.

B. Award for FY 2012 JAG Funds in the Amount of \$153,869

SEE ATTACHMENT #1

John Freudenberg stated that since there were two appeals, they would be heard first before voting on the JAG award.

C. Appeal of FY 2012 JAG Funds for Probation Administration and Douglas County

Probation Administration Appeal (12-DA-0314)

SEE ATTACHMENT #3

Stamm outlined the appeal letter from Probation Administration which on file in the Crime Commission office. Stamm stated the procedure used for the denial of the funds for Probation Administration and for sending the notification letter.

Freudenberg asked if there was anyone there for Probation Administration and invited Toni Jensen to speak on behalf of the appeal.

Jensen stated that this request was for Remote Recovery which is a video conferencing project that will work with probation across the state. She further stated this project is evidence based which would meet the criteria set forth by the grant applications. Jensen gave a brief summary of the project and how this would help the more rural areas of the state. Jensen continued that this project is being coordinated with the University of Nebraska Omaha. Jensen stated that the request for the grant money was to sustain the existing technology for the next year during which they will gather data. Then next year the agency plans to ask the Legislature for the funding to continue the project.

Vaughn asked if this was a first time grant and Jensen stated that it was. Vaughn further asked if the intent was to ask the legislature for future funding and this grant was just for seed money to get started. Jensen stated that was the intent. She further stated that the University of Nebraska Omaha School of Science and Technology had agreed to partner with them to develop the technology needed.

Smith asked how they would determine if the project was successful before going to the Legislature to ask for funding. Jensen replied that UNO would help with looking at that data. Sankey stated that he thought the \$70,000 was for the purchase of the equipment for this project, but what she was now saying is that the agency would go to the Legislature to ask for funding to sustain the licensing to continue the project.

Jensen stated those are the costs included in the budget. Primarily they want funding for the licensing and software that has to be updated on a regular basis. They have the hardware, but need the software to run it which runs about \$20,000. The rest of the funding is for the contract with UNO as well as increasing the number of providers and their training.

Lausten asked what would be the contingency plan if this grant is not approved and Jensen replied that if not fully approved they might be able to absorb some of the training costs. There was a brief discussion on where these units are located and how it saves time and costs. Batton stated that a lot of money has already been spent to set up these units across the state over the past 5 years and they are being used for this project. Jensen stated their fear is that if they can't sustain the software then it will become outdated and all the money spent so far will be a waste.

Stamm asked how much to maintain the software and Jensen stated that just for supplies and operating expenses it would be \$21,486 and to include the UNO contracts would probably make that \$30,000 to \$40,000 ongoing.

Freudenberg asked when the project was started, and Jensen replied 5 years ago and has included a lot of testing of products, ideas and guidelines. Batton stated that UNO received a federal earmark that has now ended for this project. Jensen stated they looked at a lot of hardware before settling on what they have.

Sanders asked what were the reasons for the denial and Stamm replied lack of funds. Freudenberg then summarized the steps in the process. Freudenberg continued that he wanted to give everyone their say before taking a motion.

Sankey commented that he thought this was a good project, but the problem is simply a lack of dollars. He further stated that traditionally this money has been used for drug enforcement but the money has been cut back significantly. Sankey stated that the thoughts at the time of the review were that drug enforcement has been cut back so much that they aren't funding existing drug task forces and the attempt was to try to save at least one position. Sankey said that it is either keep a current position on the drug enforcement or fund a new project. Kelly then stated that there is language that directs money to new projects, but at the same time there are decreasing funds to keep current projects going.

Vaughn stated that the purpose of these monies is to promote good government and the task forces since 1987 have received over 58 million dollars and they still can't sustain themselves. He further stated that this money is supposed to be allowing good projects to come in that have sustainability plans. Vaughn stated that this project meets all the criteria and should be funded. Vaughn further stated that if the task forces cannot sustain themselves, then this is something to be taken up with the local funding sources, then the argument should be with them. He further stated these are not appropriations, but seed money not intended for long term use.

Freudenberg asked if this is state money to be used statewide. Stamm clarified that was correct. Freudenberg stated that task force is local money, and this is state money.

Sankey stated that he agreed with Vaughn, but the Nebraska State Patrol's sustainability plan has been to go the Legislature, but then are told since there is Federal funding they won't appropriate that money. Batton stated that if the priority is to fund existing projects then that needs to be stated on the applications instead of asking for new projects. Stamm stated that the priority is to serve new initiatives that are evidence based projects.

Lausten asked if there was any way to fund just a portion of this and if so could the project come to fruition. Jensen replied that the dollars set aside for training could be cut. Vaughn asked when the Byrne dollars were cut, and Stamm replied 2008. Vaughn stated that at that point the dollars were prioritized for existing projects. Stamm stated that in 2010 there was a change to new evidence based projects.

Ruiz asked who would be the contractor for the mental health services, and Jensen said their existing providers will re-apply and they are all Nebraska providers. Ruiz asked about dual language providers being available and stated that he wasn't sure that one year to collect data was enough. Jensen agreed and said longer was better, but it probably wouldn't be possible. There was a brief discussion on the issue of dual language problems.

Ruiz asked about putting some language in about a step down. Stamm discussed a step down process similar to the Juvenile Grants that will be discussed at the October meeting. This gives new programs a chance to get funds in the future. Stamm gave a brief summary of criteria to be used in the future.

Freudenberg stated that the money for the local task forces was being denied, and the Nebraska State Patrol was losing funds for investigators which meant there were some areas of Nebraska that would have no investigators at all. Vaughn stated that they moved local dollars to the Nebraska State Patrol so NSP could move the funds around as needed. Sankey addressed that by saying that the local money could no longer be used to fund the investigators. Stamm agreed and gave a brief summary of the amounts of money that could be used. Lausten asked if this project gets funded, would it come out of the State Patrol's money and Freudenberg says where it comes from is up to the Board. Kelly stated that a vote to approve this grant would mean another vote to determine where the money would be moved from.

Smith asked what would be the bottom line of money needed. Jensen stated that would be around \$60,000. Batton then asked about 12-DA -0306 and 12-DA-0300 were requesting funds to go to local areas, and Sankey answered that local task forces would use that money to hire state investigators in the past. However, it can no longer be used that way, so the money was allocated to the Nebraska State Patrol to use its discretion in helping local task forces and using it the best possible way.

Lausten asked if the current budget that Probation has would include monies to help support this project. Jensen answered that her budget is 96% personnel, so there isn't much they could absorb. There was a brief discussion on where monies are being spent for local task forces.

Motion

A motion was made by Vaughn and seconded by Sanders to uphold the appeal of Probation Administration 12-DA-314. Voting in favor of the motion: Smith and Vaughn. Voting against: Davis, Kelly, Lausten, Ruiz, Sankey, Sanders, Swain, and White. Abstain (per Freudenberg recommendation): Batton. Motion denied.

Freudenberg asked Batton if her organization would be receiving funds if the Probation Administration's appeal had been upheld, and Batton replied the University of Omaha would receive some funds, but not her department. Freudenberg then recommended that Batton change her vote to abstention instead of in favor to avoid any conflict of interest. Batton stated it was fair, but asked if it did not apply to others.

Jensen thanked the board for the opportunity to speak and stated that in the future if new projects are not prioritized for funding then that needs to be stated because of the amount of time needed to prepare the application.

Douglas County Appeal (12-DA-0313)

SEE ATTACHMENT #2

Stamm outlined the appeal letter from Douglas County which is on file in the Crime Commission office. Stamm stated the procedure used for the denial of the funds for Douglas County and for sending the notification letter.

Freudenberg asked if there was anyone there for Douglas County and invited Jeff Lux to speak on behalf of the appeal

Lux introduced himself and gave a brief summary on the grant request and why they met the criteria. Lux stated that he felt that older initiatives are funded before new requests, and therefore this decision is arbitrary because the criteria is not being met and yet the older grants are getting funded. Lux stated that he wanted to introduce the four prior grant applications 2009-2012 (marked exhibit #1) from Douglas County as part of the record and their appeal.

Freudenberg gave a brief summary on the amount of the grant requested and the amount the Grant Review Committee recommended and where the funds came from. Davis asked if the entire amount was still being requested. Lux stated that they would use anything given to them. Kelly asked if any of this money went to Douglas County, or directly into the County Attorney's office. Lux answered that it went straight into the County Attorney's office with documentation as to where it came from.

Davis asked if there was a contingency plan if they don't receive all the monies requested. Lux stated that depending on how much was received, they might have to get rid of the violent crime unit or get rid of an investigator and keep the sexual assault unit. Lux further stated that they have talked to the County Board to open up funds. Vaughn stated that he will abstain since he's an employee of Douglas County and he'll make no further comments but ask that everyone be mindful of his previous statements.

Motion

A motion was made by White and seconded by Swain to deny the appeal of Douglas County 12-DA-0313. Voting in favor of the motion: Davis, Lausten, Sankey, Sanders, Swain, and White. Voting against: Batton, Kelly, Ruiz and Smith. Abstain: Vaughn. Motion carried.

White stated that the grant specifications are laid out by the Federal Government before they are handed out to us. White further stated that the Grant Review Committee does a great job of working within the guidelines in allocating the money which can seem arbitrary and isn't. Vaughn stated that if we continue to fund the same programs which have been supported since 1985, and they still have no sustainability plan, then we need to change the grant application to show that. There was a brief discussion on the role of the Federal government in the grant applications and how to make changes at the local level.

Batton stated that transparency on how the decisions are being made is very important because money is tight and there are a lot of projects vying for the same monies. Ruiz stated that this can't be accomplished overnight and he agrees it needs to be changed. The discussion continued concerning the lowering of monies available, how they should be distributed and if the committee is following the criteria laid out in the grant applications.

Stamm gave a brief summary on the way the grant application is processed. Vaughn asked what would happen if the vote did not approve the granting of the funds as recommended by the Grant Review committee. Stamm answered that the money could be held over to the next meeting in October to be voted on again, or be re-allocated according the vote of the committee.

Motion

A motion was made by Sanders and seconded by White to approve the funding recommendations of the Grant Review Committee for the award for FY 2012 JAG Funds in the Amount of \$153,869. Voting in favor of the motion: Davis (Abstain on 12-DA-307), Kelly (Abstain on 12-DA-312 and 12-DA-311), Lausten (Abstain on 12-DA-307), Ruiz, Sankey (Abstain on 12-DA-306 and 12-DA-310), Sanders, Smith, Swain (Abstain on 12-DA-306) and White. Abstain: Batton and Vaughn. Motion carried.

D. Title 79, Revocation of Law Enforcement Officer Certification, Chapter 9

Dave Stolz gave a brief update and summary of the proposed changes to Chapter 9. He stated that the changes were procedural in nature so it does not require a public hearing, just a vote by the Crime Commission Board.

A motion was made by Batton and seconded by Smith to approve the changes to Title 79, Revocation of Law Enforcement Officer Certification, Chapter 9. Voting in favor of the motion: Batton, Davis, Kelly, Lausten, Ruiz, Sankey, Sanders, Smith, Swain, Vaughn and White. Motion carried unanimously.

VI. OTHER BUSINESS

Vaughn asked if there was a need on the grants already approved to put a contingency in writing that if you received the money this year, can you sustain it next year without the funds. Behm answered that sustainability has been an issue for many years. Behm further suggested that the Step Down be put on the agenda for the October meeting.

VII. PUBLIC COMMENT

There were no members of the public present who wished to address the Board at this time.

VIII. ADJOURNMENT

The next scheduled meeting of the Commission will be **Friday, October 19, 2012 at 9:30 AM in the Nebraska State Office Building, Lower Level Conference Room A, Lincoln, Nebraska.**

There being no further business, the meeting adjourned at 11:35 AM.

Respectfully Submitted,



Ann Bauers
Administrative Assistant

Attachment #1

2012 Byrne Justice Assistance Grants (JAG)

State Projects

Amount Available: \$611,073 / *\$153,869 Local State Patrol Investigators

Number	Agency—City	2011 Award	Amount Requested	Amount Recomm Staff	Amount Recomm Grnt.	Amount Recomm Crime	
12-DA-0301	NE Crime Commission - Lincoln (Drug Enforcement)	\$70,000.00	\$8,000.00	\$8,000.00	\$8,000.00		
12-DA-0305	Ne Department of Correctional Services - Lincoln	\$20,680.00	\$37,625.00	\$17,000.00	\$17,000.00		
12-DA-0310	Nebraska State Patrol - Lincoln	\$374,464.00	\$676,691.00	\$318,325.00	\$479,942.00		
12-DA-0314	Administrative Office of Courts and Probation - Lincoln	n/a	\$70,317.00	\$70,317.00	\$0.00		
12-DA-0315	Nebraska Attorney General's Office - Lincoln	\$122,974.00	\$209,919.00	\$100,000.00	\$100,000.00		
12-DA-0317	Nebraska Crime Commission - Lincoln (NCJIS)	\$68,485.00	\$183,227.00	\$160,000.00	\$160,000.00		
12-DA-306	City of North Platte*NSP Local Investigators		*\$91300	\$45,650.00	\$0.00		This amount is taken out of \$153,869 allocation
12-DA-300	RAP*NSP Local Investigators	\$91,300.00	*\$136950	\$45,650.00	\$0.00		This amount is taken out of \$153,869 allocation
TOTALS			\$1,185,779.00	\$764,942.00	\$764,942.00	\$0.00	
Available			\$764,942.00	\$764,942.00	\$764,942.00	\$764,942.00	
Remaining		\$747,903.00	-\$420,837.00	\$0.00	\$0.00	\$764,942.00	

2012 Byrne Justice Assistance Grants (JAG)

Local Projects

Amount Available: \$651,086

Number	Agency--City (Program Title)	2011 Award	Amount Requested	Amount Recomm Staff	Amount Recomm Gmt.	Amount Recommended
12-DA-0300	City of York - York	\$91,300.00	\$41,600.00	\$0.00	\$0.00	
12-DA-0302	City of Beatrice - Beatrice	\$100,000.00	\$118,419.00	\$0.00	\$0.00	
12-DA-0303	Scotts Bluff Co - Gering	\$100,000.00	\$355,278.00	\$70,000.00	\$70,000.00	
12-DA-0304	City of Norfolk - Norfolk	\$101,951.00	\$110,564.00	\$60,000.00	\$60,000.00	
12-DA-0306	City of North Platte PD - N.P.	\$98,300.00	\$7,000.00	\$7,000.00	\$7,000.00	
12-DA-0307	City of Omaha - Omaha	\$200,000.00	\$200,000.00	\$175,000.00	\$175,000.00	
12-DA-0308	Buffalo County - Kearney	\$45,000.00	\$45,045.00	\$20,000.00	\$0.00	
12-DA-0309	City of Fremont - Fremont	\$170,000.00	\$230,490.00	\$100,000.00	75,000	
12-DA-0311	City of Lincoln LPD - Lincoln	\$340,000.00	\$437,654.00	\$150,000.00	\$150,000.00	
12-DA-0312	Indian Center - Lincoln	n/a	\$34,451.00	\$25,000.00	\$25,000.00	
12-DA-0313	Douglas County - Omaha	n/a	\$334,028.00	\$24,086.00	\$69,086.00	
12-DA-0316	Banister's Leadership Academy	n/a	\$25,000.00	\$20,000.00	\$20,000.00	
Total		\$0.00	\$1,939,529.00	\$651,086.00	\$651,086.00	\$0.00
Available			\$651,086.00	\$651,086.00	\$651,086.00	\$0.00
Remaining		\$1,246,551.00	-\$1,288,443.00	\$0.00	\$0.00	\$0.00

Nebraska Commission on Law Enforcement and Criminal Justice

SUMMARY COMMENT SHEET

Applicant: City of York - York

Grant #: 12-DA-0300

Title: RAP

Amount Requested: \$178,550.00

The information in the box below reflects the amount of funding recommended for approval by the Crime Commission. Upon approval, all contingencies must be addressed prior to the release of funds.

Amount Recommended	Contingencies for Award/Reasons for Denial:
\$ 0.00	Recommended for denial based on the following: 007.02D: Ability and capacity of the proposed program to make an impact on the identified problem. 007.02F: Cost effectiveness of the proposed project. 007.02G: Amount of funds available.

The following comments summarize feedback from the review committees. This feedback is intended to assist the applicant with future applications. No follow up action is required for the information below.

Strengths of the Application:

1. Good community collaboration
2. Strong letters of support
3. Applicant has well written sustainability plan

Areas for improvement:

1. Encourage applicant to consider Coordinator/Project Director to be part of a member agency.
2. Applicant indicates that they may not be in compliance with Federal task force guidelines for a multi-jurisdictional task force by not having a local investigator assigned to the task force full-time. A multi-jurisdictional task force must have either a local **and/or** State investigator assigned to the task force.
3. Encourage applicant to focus on drug trafficking operations and not street level. Focusing on street level drugs is not effective use of grant funds.
4. Proposed project is not evidence based.

Nebraska Commission on Law Enforcement and Criminal Justice

SUMMARY COMMENT SHEET

Applicant: Ne Crime Commission - Lincoln

Grant #: 12-DA-0301

Title: Drug Enforcement & Violent Crime Training

Amount Requested: \$8,000.00

The information in the box below reflects the amount of funding recommended for approval by the Crime Commission. Upon approval, all contingencies must be addressed prior to the release of funds.

Amount Recommended	Contingencies for Award/Reasons for Denial:
\$ 8,000.00	1. None

The following comments summarize feedback from the review committees. This feedback is intended to assist the applicant with future applications. No follow up action is required for the information below.

Strengths of the Application:

1. Good to see limit on multiple registrations from same agency
2. Overall well written grant
3. Good description of how training classes are offered
4. Statistics demonstrate current decline in officer training

Areas for improvement:

1. More information on future sustainability is needed
2. Performance Measures should be based on training activities

Nebraska Commission on Law Enforcement and Criminal Justice

SUMMARY COMMENT SHEET

Applicant: City of Beatrice - Beatrice

Grant #: 12-DA-0302

Title: Southeast Area Drug Enforcement Task Force

Amount Requested: \$118,419.00

The information in the box below reflects the amount of funding recommended for approval by the Crime Commission. Upon approval, all contingencies must be addressed prior to the release of funds.

Amount Recommended	Contingencies for Award/Reasons for Denial:
\$0	<p>1. Recommended for denial based on the following:</p> <p>007.02D: Ability and capacity of the proposed program to make an impact on the identified problem.</p> <p>007.02F: Cost effectiveness of the proposed project.</p> <p>007.02G: Amount of funds available.</p>

The following comments summarize feedback from the review committees. This feedback is intended to assist the applicant with future applications. No follow up action is required for the information below.

Strengths of the Application:

1. Detailed budget narratives
2. Good description of daily and quarterly activities

Areas for improvement:

1. No support letter or working relationship with Nebraska State Patrol
2. Considering SEADE was not operational for a period of time are requested investigator positions new?
3. Focus should be on Drug Trafficking Organizations-applicant indicates on page 18 that SEADE's philosophy is to target local dealers instead of large scale operations. Not effective use of funds to focus on street level narcotics
4. Encourage applicant to utilize evidenced based performance measures
5. Performance measures need amount of increase
6. Applicant needs to seek other funding options for task force sustainability

Nebraska Commission on Law Enforcement and Criminal Justice

SUMMARY COMMENT SHEET

Applicant: Scotts Bluff Co - Gering

Grant #: 12-DA-0303

Title: WING

Amount Requested: \$355,278.00

The information in the box below reflects the amount of funding recommended for approval by the Crime Commission. Upon approval, all contingencies must be addressed prior to the release of funds.

Amount Recommended	Contingencies for Award/Reasons for Denial:
\$ 70,000.00	I. Revised Budget

The following comments summarize feedback from the review committees. This feedback is intended to assist the applicant with future applications. No follow up action is required for the information below.

Strengths of the Application:

1. Good letters of support provided
2. Applicant has strong community collaboration
3. Excellent synopsis of last past events
4. Comprehensive description of project operation.
5. Good community description

Areas for improvement:

1. Insufficient funds to fund all personnel requests
2. Does applicant still receive HIDTA funding?
3. Encourage applicant to look at other means of sustainability due to decrease in federal funding
4. Excessive information in narrative sections
5. Would like to see more information regarding investigative tasks versus number of meetings attended

Nebraska Commission on Law Enforcement and Criminal Justice

SUMMARY COMMENT SHEET

Applicant: City of Norfolk - Norfolk

Grant #: 12-DA-0304

Title: SNARE

Amount Requested: \$110,564.00

The information in the box below reflects the amount of funding recommended for approval by the Crime Commission. Upon approval, all contingencies must be addressed prior to the release of funds.

Amount Recommended	Contingencies for Award/Reasons for Denial:
\$ 60,000.00	1. Revised Budget

The following comments summarize feedback from the review committees. This feedback is intended to assist the applicant with future applications. No follow up action is required for the information below.

Strengths of the Application:

1. Good problem statement and description of problem
2. Strong community collaboration and coordination
3. Well written grant application

Areas for improvement:

1. Applicant requests \$66,048 in buy money- amount seems high and is not recommended for funding
2. Would encourage applicant to use performance measures that were evidence based- crime reduction- decrease in violent crime, etc. Must include measurable increase or decrease in performance measures.
3. Applicant indicates on page 23 that their effort is towards street level enforcement. Main focus should be on mid to upper level cases.
4. Encourage applicant to look at other means of sustainability due to decrease in federal funding

Nebraska Commission on Law Enforcement and Criminal Justice

SUMMARY COMMENT SHEET

Applicant: Ne Department of Correctional Services - Lincoln

Grant #: 12-DA-0305

Title: Intelligence Sharing Initiative

Amount Requested: \$37,625.00

The information in the box below reflects the amount of funding recommended for approval by the Crime Commission. Upon approval, all contingencies must be addressed prior to the release of funds.

Amount Recommended	Contingencies for Award/Reasons for Denial:
\$ 17,000.00	1. Revised Budget

The following comments summarize feedback from the review committees. This feedback is intended to assist the applicant with future applications. No follow up action is required for the information below.

Strengths of the Application:

1. Good letters of support provided
2. Applicant provides good description of current efforts
3. Good to see discussion of information sharing between law enforcement agencies

Areas for improvement:

1. Recommended decrease in funds due to insufficient funds available
2. Encourage applicant to seek sustainability options- limited information provided under sustainability plan
3. More information is needed under performance measures. Applicant needs to indicate projected increase for each performance measure listed. For example, how much will training classes increase by? 10, 20?
4. More information needed on reduced number of UAs. Who uses intelligent data- who is the inmate population- how many intelligent reports are generated and who gets those?

Nebraska Commission on Law Enforcement and Criminal Justice

SUMMARY COMMENT SHEET

Applicant: City of North Platte PD - N.P.

Grant #: 12-DA-0306

Title: CODE

Amount Requested: \$98,300.00

The information in the box below reflects the amount of funding recommended for approval by the Crime Commission. Upon approval, all contingencies must be addressed prior to the release of funds.

Amount Recommended	Contingencies for Award/Reasons for Denial:
\$ 7,000.00	1. Revised Budget

The following comments summarize feedback from the review committees. This feedback is intended to assist the applicant with future applications. No follow up action is required for the information below.

Strengths of the Application:

1. Good statistical breakdown provided
2. Strong letters of support provided

Areas for improvement:

1. Due to insufficient funds and lack of focus on evidence based buy money is only recommended for funding.
2. Applicant discusses "Smart Policing" in a broad sense, what type of Smart Policing has applicant participated in?
3. Applicant needs to decrease number of performance measures. Include a measureable outcome- what percentage of increase?

Nebraska Commission on Law Enforcement and Criminal Justice

SUMMARY COMMENT SHEET

Applicant: City of Omaha - Omaha

Grant #: 12-DA-0307

Title: Metro Drug Task Force

Amount Requested: \$200,000.00

The information in the box below reflects the amount of funding recommended for approval by the Crime Commission. Upon approval, all contingencies must be addressed prior to the release of funds.

Amount Recommended	Contingencies for Award/Reasons for Denial:
\$ 175,000.00	1. Revised Budget

The following comments summarize feedback from the review committees. This feedback is intended to assist the applicant with future applications. No follow up action is required for the information below.

Strengths of the Application:

1. Good to see applicant focus on DTOs
2. Well written grant application
3. Good community collaboration
4. Good problem statement

Areas for improvement:

1. Recommended decrease in funds due to insufficient funds available
2. Would encourage applicant to use performance measures that are based in evidence based practices
3. With continued decrease in federal funding, would encourage applicant to seek a variety of sustainability resources
4. Undercover officer information should not be listed in grant application, please do not include in future grant applications

Nebraska Commission on Law Enforcement and Criminal Justice

SUMMARY COMMENT SHEET

Applicant: Buffalo County - Kearney

Grant #: 12-DA-0308

Title: CANDO

Amount Requested: \$45,045.00

The information in the box below reflects the amount of funding recommended for approval by the Crime Commission. Upon approval, all contingencies must be addressed prior to the release of funds.

Amount Recommended	Contingencies for Award/Reasons for Denial:
\$ 0.00	Recommended for denial based on the following: 007.02D: Ability and capacity of the proposed program to make an impact on the identified problem. 007.02F: Cost effectiveness of the proposed project. 007.02F: Cost effectiveness of the proposed project.

The following comments summarize feedback from the review committees. This feedback is intended to assist the applicant with future applications. No follow up action is required for the information below.

Strengths of the Application:

1. Applicant provides detailed description of the problem
2. Good to see intent of sustainability that CANDO agencies will maintain task force
3. Good statistical information provided

Areas for improvement:

1. No support letter from NSP
2. Applicant indicates that CANDO agencies now place targeting emphasis on the street level dealers but occasionally target mid and upper level drug offenders. For most effective use of funds applicant should primarily focus on DTOs.
3. Applicant does not focus on evidence based practices.
4. Applicant must include measures under performance measures- what is the projected increase in number of buys made by officers? What is the projected increase in newly developed CIs?

Nebraska Commission on Law Enforcement and Criminal Justice

SUMMARY COMMENT SHEET

Applicant: City of Fremont - Fremont

Grant #: 12-DA-0309

Title: III Corps

Amount Requested: \$230,490.00

The information in the box below reflects the amount of funding recommended for approval by the Crime Commission. Upon approval, all contingencies must be addressed prior to the release of funds.

Amount Recommended	Contingencies for Award/Reasons for Denial:
\$ 75,000.00	1. Revised Budget

The following comments summarize feedback from the review committees. This feedback is intended to assist the applicant with future applications. No follow up action is required for the information below.

Strengths of the Application:

1. Good to see focus on mid to upper level cases
2. Strong current efforts
3. Good efforts in school systems
4. Letters of support demonstrate strong community collaboration efforts

Areas for improvement:

1. With continual decrease in federal funding, encourage applicant to focus on other funding options
2. Recommended decrease in funds due to insufficient funds available
3. Conflicting information under statistical information provided

Nebraska Commission on Law Enforcement and Criminal Justice

SUMMARY COMMENT SHEET

Applicant: Nebraska State Patrol - Lincoln

Grant #: 12-DA-0310

Title: Mule 23

Amount Requested: \$676,691.00

The information in the box below reflects the amount of funding recommended for approval by the Crime Commission. Upon approval, all contingencies must be addressed prior to the release of funds.

Amount Recommended	Contingencies for Award/Reasons for Denial:
\$ 479,942.00	1. Revised Budget

The following comments summarize feedback from the review committees. This feedback is intended to assist the applicant with future applications. No follow up action is required for the information below.

Strengths of the Application:

1. Applicant provides detailed information under sustainability plan
2. Strong letters of support provided
3. Well written grant

Areas for improvement:

1. Recommended decrease in funds due to insufficient funds available
2. Applicant is strongly encouraged to seek other funding sources as next year the "State" funding will be greatly reduced due to the fact that we will not have "carryover".
3. Would encourage applicant to provide more detailed breakdown of investigator positions

Nebraska Commission on Law Enforcement and Criminal Justice

SUMMARY COMMENT SHEET

Applicant: City of Lincoln LPD - Lincoln

Grant #: 12-DA-0311

Title: Lincoln/Lancaster Co Investigative Narcotics

Amount Requested: \$437,654.00

The information in the box below reflects the amount of funding recommended for approval by the Crime Commission. Upon approval, all contingencies must be addressed prior to the release of funds.

Amount Recommended	Contingencies for Award/Reasons for Denial:
\$ 150,000.00	1. Revised Budget

The following comments summarize feedback from the review committees. This feedback is intended to assist the applicant with future applications. No follow up action is required for the information below.

Strengths of the Application:

1. Strong community outreach and collaboration efforts
2. Good problem statement and statistical information provided
3. Strong current efforts

Areas for improvement:

1. Recommended decrease in funds due to insufficient funds available
2. Budget summary totals do not match budget narratives
3. More explanation is needed in current investigatory prosecution efforts
4. Encourage applicant to fund over-time
5. Focus on street level dealers, focus should be on drug task force organizations

Nebraska Commission on Law Enforcement and Criminal Justice

SUMMARY COMMENT SHEET

Applicant: Indian Center - Lincoln

Grant #: 12-DA-0312

Title: Many Nations Healing Counseling Project

Amount Requested: \$34,451.00

The information in the box below reflects the amount of funding recommended for approval by the Crime Commission. Upon approval, all contingencies must be addressed prior to the release of funds.

Amount Recommended	Contingencies for Award/Reasons for Denial:
\$ 25,000.00	<ol style="list-style-type: none">1. Revised Budget2. Submit 3 letters of support3. Call JAG Administrator for technical assistance

The following comments summarize feedback from the review committees. This feedback is intended to assist the applicant with future applications. No follow up action is required for the information below.

Strengths of the Application:

1. Proposed project is cost effective and evidence based
2. Application justifies program needed, especially among Native American population
3. Applicant focuses on holistic approach
4. Good goals and objectives

Areas for improvement:

1. Encourage applicant to seek sustainability as grant funds should be seen as “seed” money
2. No letters of support or commitment submitted with application
3. Statistics – lack of explanation on statistical information

Nebraska Commission on Law Enforcement and Criminal Justice

SUMMARY COMMENT SHEET

Applicant: Douglas County - Omaha

Grant #: 12-DA-0313

Title: Violent Crime Unit

Amount Requested: \$334,028.00

The information in the box below reflects the amount of funding recommended for approval by the Crime Commission. Upon approval, all contingencies must be addressed prior to the release of funds.

Amount Recommended	Contingencies for Award/Reasons for Denial:
\$69,086	1. Revised Budget 2. Funding recommended for Victim Advocate at \$24,086.00

The following comments summarize feedback from the review committees. This feedback is intended to assist the applicant with future applications. No follow up action is required for the information below.

Strengths of the Application:

1. Focus is on violent offenders and the incarceration of violent offenders, versus non-violent
2. Prosecution of gun crimes is number one priority
3. Based off of evidence based practices
4. Applicant provides strong statistical evidence-233 cases handled- 99 have been sentenced

Areas for improvement:

1. Performance Measures should indicate how many numbers you seek to accomplish pg #16
2. No letters from Attorney Generals Officer/ Douglas County Sherriff
3. Sustainability
4. Annual salary not correct- miscalculations

Nebraska Commission on Law Enforcement and Criminal Justice

SUMMARY COMMENT SHEET

Applicant: Administrative Office of Courts and Probation

Grant #: 12-DA-0314

Title: Remote Recovery Project

Amount Requested: \$70,317.00

The information in the box below reflects the amount of funding recommended for approval by the Crime Commission. Upon approval, all contingencies must be addressed prior to the release of funds.

Amount Recommended	Contingencies for Award/Reasons for Denial:
\$ 0.00	Recommended for denial based on the following: 007.02G: Amount of funds available.

The following comments summarize feedback from the review committees. This feedback is intended to assist the applicant with future applications. No follow up action is required for the information below.

Strengths of the Application:

1. Fits well into JAG strategic plan
2. Proposed project is evidence based and focuses on rural populations
3. Good to see applicant will utilize the School of Information Science and Technology
4. Applicant explains plan for sustainability well
5. Proposed project is cost effective
6. Items listed under Supplies and Operating are onetime expenses
7. Good to see applicant plans to approach the legislature for purposes of sustainability

Areas for improvement:

1. More detail needed on how Probationer would access system
2. Applicant is not clear if there will be 6 or 5 video conferencing station
3. Crime Commission Grant Review committee did not understand the remote recovery concept and process operation. Grant Review committee members questioned how effective therapy could be through a remote process.

Nebraska Commission on Law Enforcement and Criminal Justice

SUMMARY COMMENT SHEET

Applicant: Nebraska Attorney General's Office

Grant #: 12-DA-0315

Title: Drug and Violent Crime Unit

Amount Requested: \$209,919.00

The information in the box below reflects the amount of funding recommended for approval by the Crime Commission. Upon approval, all contingencies must be addressed prior to the release of funds.

Amount Recommended	Contingencies for Award/Reasons for Denial:
\$ 100,000.00	1. Revised Budget

The following comments summarize feedback from the review committees. This feedback is intended to assist the applicant with future applications. No follow up action is required for the information below.

Strengths of the Application:

1. Detailed activity/timeline
2. Good letters of support
3. Strong state-wide collaboration

Areas for improvement:

1. Page #23- please list how you plan on tracking/measuring your performance measures
2. Recommended decrease due to limited availability of funds
3. More explanation is needed on how applicant decides what cases to take on
4. Calculations miscalculated on statistical information encourage applicant to increase training to County Attorneys on how to handle drug cases

Nebraska Commission on Law Enforcement and Criminal Justice

SUMMARY COMMENT SHEET

Applicant: Banister's Leadership Academy

Grant #: 12-DA-0316

Title: North South Omaha Leadership Academy

Amount Requested: \$25,000.00

The information in the box below reflects the amount of funding recommended for approval by the Crime Commission. Upon approval, all contingencies must be addressed prior to the release of funds.

Amount Recommended	Contingencies for Award/Reasons for Denial:
\$ 20,000.00	<ol style="list-style-type: none">1. Revised Budget2. Submit all signed documents3. Malcolm X Foundation to be designated as Fiscal Officer4. Contact JAG Administrator for Technical Assistance

The following comments summarize feedback from the review committees. This feedback is intended to assist the applicant with future applications. No follow up action is required for the information below.

Strengths of the Application:

1. Good to see applicant proposes to bring youth together from different parts of the city
2. Informative statistics provided
3. Good letters of support provided
4. Holistic approach to violence- community outreach efforts

Areas for improvement:

1. How are Program Leadership Specialists currently being paid? Application indicates compensation of 4 Program Specialists for 25% of their salaries. Are Program Specialists a volunteer position currently? More detail is needed.
2. Certified Assurances not signed
3. Authorized Official and Fiscal Officer not filled out- does organization have a Board of Directors?

Nebraska Commission on Law Enforcement and Criminal Justice

SUMMARY COMMENT SHEET

Applicant: Nebraska Crime Commission

Grant #: 12-DA-0317

Title: NCJS

Amount Requested: \$183,227.00

The information in the box below reflects the amount of funding recommended for approval by the Crime Commission. Upon approval, all contingencies must be addressed prior to the release of funds.

Amount Recommended	Contingencies for Award/Reasons for Denial:
\$ 160,000.00	I. Revised Budget

The following comments summarize feedback from the review committees. This feedback is intended to assist the applicant with future applications. No follow up action is required for the information below.

Strengths of the Application:

1. Fits well with JAG Strategic Plan and JAG priorities
2. Majority of costs associated with project would consist of one time cost
3. Cost effective project/would reach a wide number of users
4. Proposed project to add much needed datasets/expanding features
5. This project clearly supports priority of JAG strategic plan on the need for support of criminal justice data sharing initiatives involving state and local agencies in Nebraska.
6. NCJS widely used – over 8,000 users from 480 agencies
7. One area where state and local collaborate

Areas for improvement:

1. Improve performance measure and objectives – additional clarification needed on performance measures and objectives
2. More letters of support needed

Attachment #2



Dave Heineman
Governor

NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

(Nebraska Crime Commission)

Michael E. Behm, Executive Director

301 Centennial Mall South

P.O. Box 94946

Lincoln, Nebraska 68509-4946

Phone (402) 471-2194

FAX (402) 471-2837

Response To Appeal of Denied Application #12-DA-0313
Crime Commission Meeting - July 20, 2012

Notice of Denial

The Crime Commission Grant Review met on June 25, 2012 to review FY 2012 JAG applications. Letters to applicants whose applications were recommended for denial were mailed certified on June 27, 2012. Applicants wishing to appeal the Grant Review's recommendation for denial were to submit a letter of appeal to the Crime Commission by 5:00 p.m. on July 12, 2012.

Receipt of Appeal

The original letter of appeal was received in the Crime Commission office before 5:00 p.m. on July 10, 2012. It should be noted that the appellant is appealing the recommended amount of \$69,086.00.

Basis of an Appeal

The June 27, 2012 letter informing the applicant of the denial stated the basis of the appeal shall be limited to one or more of the following reasons:

1. The appealed decision was biased, arbitrary or prejudiced against the applicant;
2. The appealed decision was reached without following the procedures outlined in Operating Instruction #10;
3. The appealed decision was reached without following the guidelines of the specific grant program.

The June 27, 2012 letter also informed the applicant that a written appeal must state the basis of the appeal and be based on one or more of the three reasons stated above.

Applicant's Appeal

In a letter dated July 10, 2012 from Donald W. Kleine, Douglas County Attorney and Catherine Hall, Project Director, the applicant's decision to appeal was based on the assertion of the following:

1. Operating Instruction #10, 015.03A: The appealed decision was biased, arbitrary or prejudiced against the applicant; and
2. Operating Instruction #310, 015.03C: The recommendation was made without following the guidelines of the specific grant program.

The appellant's letter indicates that according to the FY 2012 JAG application that priority areas for grant funding would be given to applicants who propose new initiatives grounded in evidence/research based, data driven philosophy. The appellant goes on to state that with such a reduction in funding that one would assume that compliance with the mentioned criteria would be more important. The appellant goes on to state that several task forces that have been funded for decades once again were recommended for funding even though they were not new initiatives, are no longer primary priority areas, and are not evidence based programs. Due to the above, the appellant concludes that the funding recommendations appear to be arbitrary and reached without following the guidelines of this grant program.

The appellant goes on to give numerous reasons why their grant application #12-DA-0313 fits within the specific criteria and priorities as listed in the 2012 JAG application. Please refer to Attachment #1. The appellant states that they are requesting the Crime Commission review their application and approve a more appropriate amount of funding, in line with the grant program's purpose and goals.

In Response to the Appeal

Application #12-DA-0300 was recommended for funding in the amount of \$69,086.00 due to availability of funds. As the letter indicates, priority areas for grant funding would be given to applicants who propose new initiatives grounded in evidence/research based, and data driven philosophy. Funding was recommended for this application due to those exact reasons. However, the Grant Review Committee did not agree to fund the full amount requested due to the amount of funds available. The appellant's letter also points out that several programs were recommended for funding that are not new initiatives, are no longer primary priority areas, and are not evidence based programs. However, this is not a current mandate and was left to the discretion of the Grant Review Committee.

Recommendation

In their appeal, the appellant failed to provide information related to the three criteria necessary for an appeal, as listed below:

1. The appealed decision was biased, arbitrary or prejudiced against the applicant;
2. The appealed decision was reached without following the procedures outlined in Operating Instruction #10;
3. The appealed decision was reached without following the guidelines of the specific grant program.

Attachment #1



DONALD W. KLEINE
Douglas County Attorney

BRENDA BEADLE, CHIEF DEPUTY
100 HALL OF JUSTICE / OMAHA, NEBRASKA 68183-0406

July 9, 2012

The Nebraska Crime Commission
301 Centennial Mall South
P.O. Box 94946
Lincoln, NE 68509-4946

RECEIVED
JUL 10 2012
NEBRASKA CRIME COMMISSION

Re: Grant #12-DA-0313 Appeal Review

To Whom it May Concern:

The Project Director and I are writing to appeal the Grant Review Committee's recommendation that Grant #12-DA-0313 receive \$69,086 in funding. Our grant requested \$334,028 in funding to continue the efforts of our Violent Crime Prosecution Unit (VCU) and to create a Sexual Assault Unit (SAU) out of our Sexual Assault Initiative.

We are all aware that the federal government and the Crime Commission have been implementing new or additional criteria for the awarding of grant dollars. These criteria include community coordination, agency collaboration, and evidence based programs. Applicants who focus on these factors are promoting the efficient use of taxpayer dollars, encouraging good government, and using the best practices in their fields. Presumably this is why the Crime Commission stated its priority areas for grant funding would "be given to applicants who propose new initiatives ground in evidence/research based, data driven philosophy..." (2012 Byrne Justice Assistance Grant Application Kit pg. 5)

We are also well aware of the decrease of federal funding for these grant programs. With such a reduction in funding one would assume that compliance with the above mentioned criteria would be more important than ever in getting or retaining grant funding. However the opposite seems to be true with regard to the distribution of funds for this grant program. Several task forces, which have been funded for years if not decades, once again received funding which:

- 1) are not new initiatives;
- 2) are no longer Primary Priority Areas; and
- 3) are not evidence based programs.

These funding recommendations therefore appear to be arbitrary (Operating Instr. #10, 015.03A) and reached without following the guidelines of this grant program (Operating Instr. #10, 015.03C).

Our grant application #12-DA-0313 is:

- 1) a new initiative (VCU 1 year old & SAU is new);
- 2) backed by faith based institutions, and public/private partnerships such as Project Harmony;
- 3) illustrates the agency coordination between the Douglas County Attorney's Office and the Omaha Police Department's Gang Unit and Child Victim/Sexual Assault Unit, along with our coordination with Project Harmony on sexual assault cases; and
- 4) shows the use of best practices in the areas of prosecution which is modeled after other evidence based programs such as Operation Hardcore of the Los Angeles County District Attorney's Office (an OJJDP Model Program).

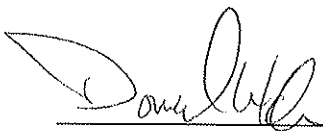
And we are seeing results: 92% of VCU cases end with a favorable outcome; VCU convictions accounted for 450-590 years of incarceration with one Life Sentence over the last year; and the newly formed SAU is implementing best practices in the prosecution of sexual assault cases.

In addition, we recognize that nothing lasts forever and have been working with the Douglas County Board on funding priorities for the future. Funding programs which have been on the public grant roll for numerous years undermines the very purpose of grant programs in the first place: to provide seed money to create new initiatives which encourage collaboration and implement best practices.


While we certainly appreciate the work of the Grant Review Committee, we request the Crime Commission review our application and approve a more appropriate amount of funding, in line with the grant program's purpose and goals.

Thank you for your time and attention in this matter.

Sincerely,



Donald W. Kleine
Douglas County Attorney



Catherine Hall
Project Director

Attachment #3



Dave Heineman
Governor

NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

(Nebraska Crime Commission)

Michael E. Behm, Executive Director

301 Centennial Mall South

P.O. Box 94946

Lincoln, Nebraska 68509-4946

Phone (402) 471-2194

FAX (402) 471-2837

Response To Appeal of Denied Application #12-DA-0314
Crime Commission Meeting - July 20, 2012

Notice of Denial

The Crime Commission Grant Review met on June 25, 2012 to review FY 2012 JAG applications. Letters to applicants whose applications were recommended for denial were mailed certified on June 27, 2012. Applicants wishing to appeal the Grant Review's recommendation for denial were to submit a letter of appeal to the Crime Commission by 5:00 p.m. on July 12, 2012.

Receipt of Appeal

The original letter of appeal was received in the Crime Commission office before 5:00 p.m. on July 12, 2012

Basis of an Appeal

The June 27, 2012 letter informing the applicant of the denial stated the basis of the appeal shall be limited to one or more of the following reasons:

1. The appealed decision was biased, arbitrary or prejudiced against the applicant;
2. The appealed decision was reached without following the procedures outlined in Operating Instruction #10;
3. The appealed decision was reached without following the guidelines of the specific grant program.

The June 27, 2012 letter also informed the applicant that a written appeal must state the basis of the appeal and be based on one or more of the three reasons stated above.

Applicant's Appeal

In a letter dated July 11, 2012 from Deb Minardi, Deputy Administrator and Project Director Probation Administration, the applicant's decision to appeal was based on the assertion of the following:

015.03C: The appealed decision was reached without following the guidelines of the specific grant program;

015.03A: The appealed decision was biased, arbitrary or prejudiced against the applicant or subgrantee.

The appellant lists multiple reasons in making the assertion that the decision was reached without following the guidelines of the specific grant program and the appealed decision was biased, arbitrary or prejudiced against the applicant or subgrantee in their letter. Please refer to Attachment #1.

In Response to the Appeal

Application #12-DA-0314 was denied based upon the following reasons in accordance with Operating Instruction #10:

007.02G: Amount of funds available.

The appellant's letter indicates that the 2012 Byrne Justice Assistance Grant Application Kit, identifies "evidence/research based" projects to be priority areas of funding. In addition, the appellant states that Expansion of Remote Recovery Programs was listed specifically as a secondary priority area. The letter further states that the Bureau of Justice Assistance website indicates that evidence based strategies and new projects are encouraged to be considerations in funding determination. Although Bureau of Justice Assistance does encourage new programs that are evidence based, this is not a mandate.

The appellant goes on to state that the decision was biased, arbitrary and prejudiced against the applicant because this request was the only project to be recommended for funding by the Staff Review then denied any funding by the Grant Review Committee. In addition, it was also the only project of the statewide projects to have not been an applicant in 2011. The Staff Review recommended funding for several programs that were later denied during the Grant Review, a total of 3 including the appellant's application. In accordance with Operating Instruction #10, the Grant Review Committee does not have to agree with the recommendations made by the Staff Review. The Grant Review Committee agreed that it would be better to maintain Nebraska State Patrol Investigator positions then funding a new program.

The appellant goes on to state that staff of the Crime Commission should be able to appropriately respond to these concerns and requests for understanding. The staff member present at the Grant Review Committee did respond to numerous questions addressed by the Grant Review Committee and on several occasions referenced the appropriate sections within the application in response to their questions. Further, the staff member present among other committee members thoroughly explained the Remote Recovery process and its importance. However, the Grant Review Committee still did not believe that enough information was provided in the application to create a thorough understanding of the project. Furthermore, with the significant funding reduction, the Grant Review Committee prioritized funding toward already existing positions.

Recommendation

In their appeal, the appellant failed to provide information related to the three criteria necessary for an appeal, as listed below:

1. The appealed decision was biased, arbitrary or prejudiced against the applicant;
2. The appealed decision was reached without following the procedures outlined in Operating Instruction #10;
3. The appealed decision was reached without following the guidelines of the specific grant program.

Attachment #1

SUPREME COURT OF NEBRASKA



ADMINISTRATIVE OFFICE OF THE COURTS & PROBATION

Janice K. Walker
State Court Administrator

Ellen Fabian Brokofsky
State Probation Administrator

RECEIVED

JUL 12 2012

NEBRASKA CRIME COMMISSION

July 11, 2012

Nebraska Commission on Law Enforcement and Criminal Justice
301 Centennial Mall South
P.O. Box 94946
Lincoln, NE 68509-4946

RE: Appeal of Decision to Deny Grant # 12-DA-314

Nebraska Administrative Office of the Courts and Probation appeals the decision to deny Grant #12-DA-314 based on the following:

015.03C: The appealed decision was reached without following the guidelines of the specific grant program.

015.03A: The appealed decision was biased, arbitrary or prejudiced against the applicant or subgrantee

Basis for 015.03C

Based on the minutes of the Crime Commission Grant Review Committee Meeting on June 25, 2012, grant # 12-DA-314 was initially recommended to be fully funded by the staff review committee due to the "focus on evidence based practices, focus on rural populations and that it is for one-time funding." Similar comments regarding the presence of evidence/researched based projects is not found in any other grantee notation in the minutes. The 2012 Byrne Justice Assistance Grant Application Kit, identifies "evidence/research based" projects to be priority areas of funding. Additionally, in this application kit, "Expansion of Remote Recovery Programs," was listed specifically as a secondary priority area. The Bureau of Justice Assistance website indicates that evidence based strategies and new projects are encouraged to be considerations in funding determinations. Per Operating Instruction 10 007.02B, grants are to be evaluated by the Grant Review Committee, based on items including, "Adherence to federal and/or state requirements and guidelines." The minutes do not reflect the Grant Review Committee's justification for not recommending funding this evidence-based, state plan priority project.

Basis for 015.03A

The Administrative Office of the Courts and Probation grant #12-DA-314, was a first-time request for Byrne/JAG dollars for this project. ARRA dollars were awarded in the past for a different project. It is believed that the decision to not fund grant #12-DA-314 was biased, arbitrary, or prejudiced against the applicant based on the following:

- This request was the only "first-time" request, and it was the only project to not receive any funding.

- Based on the attachments to the minutes for the Crime Commission Grant Review Committee Meeting, this grant request was the only project to be recommended for funding by the Staff Review that was then denied any funding by the Crime Commission Grant Review Committee. It was also the only project, of the statewide projects to have not been an applicant in 2011.
- Discussion regarding the denial of the grant application appeared to be related, through motions made by committee members, to the decrease in funds recommended to another grant applicant (grant # 12-DA-0310). This applicant had a representative on the Grant Review Committee.
 - In reviewing the minutes of the Grant Review Committee, shortly following discussion regarding the decrease in funds available to the grantee # 12-DA-0310, discussion was opened regarding grant #12-DA-314. Concerns were raised based on this project being “a new program” and its ability to “work.” The minutes identify that “concerns were raised,” as these were not specifically detailed, it is unclear why the motion was made to initially reduce funds to this grant program and re-allocate the remaining funds to the Nebraska State Patrol. This motion did not pass, as there was one abstention and one vote against. A subsequent motion was later filed denying application #12-DA-314 and re-allocating the entire amount (\$70,371) to the Nebraska State Patrol. This motion again did not pass, for the same reasons as before. The minutes then record a discussion about splitting the motion, first regarding the denial or approval of the funding, and then a subsequent motion for determination of the remaining dollars. The separate motion to deny the grant then carried, as this created the opportunity for all parties to vote and not abstain.

Responses to questions raised regarding the proposed Project:

It was documented in the minutes from this meeting that a committee member did not “understand why [the applicant] does not utilize the same system that the state currently uses for this proposed project.” As was indicated in the grant application, treatment services fall under HIPAA guidelines, and as such require specific approaches to Telehealth services. The technologies referenced within the grant have been identified to comply with HIPAA guidelines. It is not clear what state system was being referenced to, but research done in relation to this project determined the technology proposed to be best in relation to HIPAA and other confidentiality concerns.

The summary and comment sheet provided indicated that some on the committee questioned how effective therapy could be through a remote process. The Behavioral Health Education Center of Nebraska (BHECN) was referenced in the Project Operation section of the grant application. While telehealth and telemental health services are relatively new in Nebraska, BHECN does have Evidence Based Practice guidelines and other resources dating back to 2009. Also the Federal Bureau of Prisons has used Tele-Psychiatry services for treating offenders for over 10 years. We do know that Treatment is an evidence-based practice for criminal offenders, and rural areas in Nebraska have limited treatment resources. While it is understandable that some may have concerns about telemental health services, it is our belief that treatment in this format is better than no treatment at all. Without the opportunity to continue this project, we will be unable to illustrate the positive or negative impacts that this treatment could have in the lives of probationers.

Another statement on the Summary and Comment sheet was in relation to general understanding of the remote recovery concept. As this is listed as a priority area within the State Plan, it is expected that the staff would be able to appropriately respond to these concerns and requests for understanding. We welcome the opportunity to further address these questions at the Crime Commission Meeting.

Please feel free to contact me with any questions regarding the above referenced grant and the information contained in this appeal.

Sincerely,

A handwritten signature in black ink, appearing to read "Deb Minardi". The signature is fluid and cursive, with the first name "Deb" written in a larger, more prominent script than the last name "Minardi".

Deb Minardi
Deputy Administrator and Project Director
Probation Administration